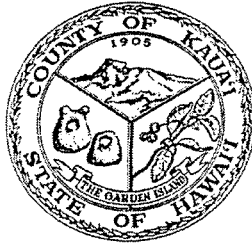


COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura

**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone (808) 241-4188
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Council Services Division
4396 Rice Street, Suite 209
Lihue, Kauai, Hawaii 96766

MEMORANDUM

November 5, 2015

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Mel Rapozo, Council Chair *MR*
RE: **NOVEMBER 4, 2015 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its November 4, 2015 Council Meeting:

CONSENT CALENDAR:

C 2015-272 Communication (10/19/2015) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, relating to C 2015-266, a request for approval of the License Agreement between the County of Kauai and the Boys & Girls Club of Hawaii, for three (3) portables and a portion of the grounds immediately surrounding the portables located at the Kauai War Memorial Convention Hall in Lihue, as she is on the Kauai Advisory Board for the Boys & Girls Club of Hawaii. *(Received for the Record.)*

COMMUNICATIONS:

C 2015-263 Communication (10/02/2015) from the Assistant Chief Procurement Officer/Budget Chief, requesting Council approval to dispose of Procurement Work Folders (RFP (C4056)) and (IFB (#2872 - #2936)); Professional Services Regular (4-PROF-06/07, 1-PROF-07/08 thru 12-PROF-07/08); Professional Services Exempt (X7-PROF-05/06 thru X8-PROF-07/08); Sole Source Procurement documentation (Fiscal Year 2005-2008); Exempt Procurement documentation (Fiscal Year 2004-2008); Emergency Purchase documentation (Fiscal Year 2005-2008); Auction (SA-1-06 thru SA-3-07); and State Price Lists; pursuant to Section 46-43, Hawaii Revised Statutes and Resolution No. 2008-39 (2008) as amended, which has been kept for over seven (7) years and are no longer of use or value. *(Received for the Record.)*

C 2015-273 Communication (08/27/2015) from the Chief of Police, transmitting for Council consideration, a proposed draft Bill to appropriate Criminal Assets Forfeiture funds in the amount of \$300,000 for the Kauai Police Department, to purchase and erect a new Kauai Police Activities League (KPAL) Youth Center, which will also double as an interim training facility for the Kauai Police Department, and to also purchase equipment for the new facility. *(Kauai Police Department, KPAL Youth Center/Interim KPD Training Facility - \$300,000.00) (Received for the Record.)*

C 2015-274 Communication (10/19/2015) from Councilmember Kualii, transmitting for Council consideration, a proposal to establish barking dog nuisance regulations. ***(Received for the Record.)***

C 2015-275 Communication (10/20/2015) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds for the Services-Training-Officers-Prosecutors (STOP) Violence Against Women Formula Grant in the amount of \$48,595, which will be used for salaries/wages and supplies for the Domestic Violence Prosecution Unit, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the period of January 1, 2016 through November 30, 2016. ***(Approved.)***

C 2015-276 Communication (10/20/2015) from the Planning Director, transmitting for Council consideration, an amendment to Ordinance No. B-2015-797, as amended, relating to the Capital Budget of the County of Kaua'i for the Fiscal Year 2015-2016, by revising the amounts estimated in the Development Fund CIP to establish projects and expend funds received related to exactions for mitigation of the impacts from the permitted Coco Palms Resort. ***(Coco Palms Resort Development Use Permit Conditions – \$110,000.00) (Received for the Record.)***

C 2015-277 Communication (10/20/2015) from the Mayor, transmitting for Council consideration for inclusion in the 2016 County of Kaua'i and Hawai'i State Association of Counties (HSAC) Legislative Packages, A Bill for An Act Relating to Tort Liability, to delete the sunset provision for the liability exceptions for County lifeguards. ***(Approved.)***

C 2015-278 Communication (10/20/2015) from the Mayor, transmitting for Council consideration for inclusion in the 2016 County of Kaua'i Legislative Package, A Bill for An Act authorizing the issuance of General Obligation Bonds and making an appropriation, in the amount of \$7,150,000 for the following:

- Adolescent Treatment and Healing Center
(Construction & Site Improvements) – \$5,000,000
 - Centralized Auto Maintenance Facility
(Planning, Permitting & Design) – \$550,000
 - Kaua'i Fire Department Helicopter Hangar
(Construction) – \$500,000
 - Salt Pond Master Plan – \$400,000
 - Veterans Cemetery Facility Construction & Improvements – \$700,000
- (Referred to the November 12, 2015 Committee of the Whole Meeting.)***

C 2015-279 Communication (10/23/2015) from the Director of Finance, requesting Council approval, to accept and expend appropriations provided to the County of Kaua'i in the General Appropriations Act of 2015 – Act 83, SLH 2015 in the amount of \$50,000 (General Funds – Appropriation Warrant No. 60) from the State of Hawai'i for the Office of the Prosecuting Attorney Career Criminal Prosecution Unit & Victim Witness Assistance Program. ***(Approved.)***

C 2015-280 Communication (10/26/2015) from Councilmember Hooser, transmitting for Council consideration, a proposed draft Bill to amend Chapter 5A, Article 9 of the Kaua'i County Code 1987, as amended, by adding a new Section 5A-9.3, to implement a Homestead Tax Cap for owner-occupied properties that receive a homeowner exemption and for long term affordable rental properties. ***(Received for the Record.)***

LEGAL DOCUMENT:

C 2015-266 Communication (10/01/2015) from the Director of Parks & Recreation, recommending Council approval of a License Agreement with Boys & Girls Club of Hawai'i, a non-profit Hawai'i corporation, for three (3) portables and a portion of the grounds immediately surrounding the portables located at the Kaua'i War Memorial Convention Hall in Līhu'e, Kaua'i, Hawai'i, being a portion of Royal Patent 4480, Land Commission Award 7713, Apana, Part I to V. Kamāmalu, to be used for youth-related activities in the Līhu'e area.

- License Agreement
(Deferred.)

CLAIMS:

C 2015-281 Communication (10/14/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sherri Yasutake, for damage to her property, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2015-282 Communication (10/23/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance as subrogee for Jarod Powell, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: **APPROVED.**

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2602) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE CRIMINAL ASSETS FORFEITURE FUND *(Kaua'i Police Department, KPAL Youth Center/Interim KPD Training Facility – \$300,000.00 (Operating Budget))* ***(Approved on 1st reading, Public Hearing scheduled for December 2, 2015, and referred to the Budget & Finance Committee.)***

Proposed Draft Bill (No. 2603) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND CIP (*Kaua'i Police Department, KPAL Youth Center/Interim KPD Training Facility – \$300,000.00 (CIP Budget)*) (*Approved on 1st reading, Public Hearing scheduled for December 2, 2015, and referred to the Budget & Finance Committee.*)

Proposed Draft Bill (No. 2604) – A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE IN THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BARKING DOG NUISANCE (*Approved on 1st reading, Public Hearing scheduled for December 2, 2015, and referred to the Committee of the Whole.*)

Proposed Draft Bill (No. 2605) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND CIP (*Coco Palms Resort Development Use Permit Conditions – \$110,000.00*) (*Approved on 1st reading, Public Hearing scheduled for December 2, 2015, and referred to the Budget & Finance Committee.*)

Proposed Draft Bill (No. 2606) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 9, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION 5A-9.3, RELATING TO A HOMESTEAD TAX CAP FOR HOME EXEMPTION AND LONG TERM AFFORDABLE RENTAL PROPERTIES (*Approved on 1st reading, Public Hearing scheduled for December 2, 2015, and referred to the Budget & Finance Committee.*)

BILLS FOR SECOND READING:

Bill No. 2597 – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND (*Puhi Road 20% County Match (Operating Budget) - \$268,000.00*) (*Approved.*)

Bill No. 2598 – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND CIP (*Puhi Road 20% County Match (CIP Budget) - \$268,000.00*) (*Approved.*)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)
KCT CCs (*Via E-mail*)
Council Services Staff (*Via E-mail*)